

SPA HAS MADE TWO APPLICATIONS TO THE ACCC

Advocacy to address entrenched power imbalances impacting Australian screen producers



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WHAT IS SPA DOING?

SPA is submitting two applications to the ACCC under the Competition and Consumer Act 2010 (the Act), seeking authorisation to engage in collective bargaining to negotiate model terms of engagement with free to air television broadcasters (Free Broadcasters) and subscription television broadcasters (Pay Broadcasters), and with Streaming services.

SPA is also seeking interim authorisation so it can commence limited engagement while the ACCC assesses the applications.

ADDRESSING ENTRENCHED POWER IMBALANCES

Under current competition law, SPA members are prohibited from engaging in conduct that could be considered anti-competitive, including coordinating negotiations. SPA's applications seek a targeted exemption to allow collective bargaining for baseline commercial terms.

Most Australian production businesses do not have the scale or resources to repeatedly negotiate complex bespoke agreements on a project-by-project basis. Model terms would establish a baseline set of negotiated rights that producers and buyers can work from, while still allowing flexibility to agree terms that suit individual productions.



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MARKET PRESSURES BACKED BY RECENT INDUSTRY DATA

SPA's applications are supported by clear evidence of intensifying pressures on the local production sector.

The most recent Screen Australia Drama Report revealed that while total drama expenditure increased sharply, driven largely by international activity, the number of Australian titles entering production fell year-on-year - highlighting growing vulnerability for local producers.

Similarly, the ACMA SVOD Report confirmed that although streaming investment in Australian content rose in 2024–25, this growth is concentrated among a small number of global platforms and does not offset the structural power imbalance faced by producers at the negotiating table.



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Australia's status as an English-speaking market further compounds these pressures. Broadcasters and streamers can acquire large volumes of US and UK content at a fraction of the cost of producing new Australian programs. For streaming services in particular, the absence of meaningful transparency around audience data also limits producers' ability to negotiate fairly when their programs perform strongly.

“Even when Australian programs are successful, producers are often negotiating in the dark,” Mr Deaner said. “That lack of transparency directly weakens their bargaining position.”



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Read our full
statement and FAQ
document via our
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